

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Oahe Inc.
Accountability Review - Monitoring Report 2011-2012

Team Members: Linda Shirley Team Leader, Mary Borgman

Dates of On Site Visit: August 19, 2011

Date of Report: September 21, 2011

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

Applicable ARSD and/or Compliance Indicator #:11

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count.

Corrective Action (Immediate Fix):

Prong 1: Correct each individual case of noncompliance (Briefly describe the issues found surrounding this ARSD)

Student 1 did not have an active IEP or 3 year reevaluation in place for determining eligibility and services.

File Number(s) (List all file numbers in which this issue was found)

#1

Required Action: (Describe the action steps the district must take to correct each file)

The student must have an evaluation completed to determine eligibility and IEP developed if the student qualifies as a student with a disability.

Data To Be Submitted: (Describe the specific data that must be submitted for each file)

All prior notices, evaluation results, MDT, and IEP will be sent to the team leader for verification.

Timeline for Completion: (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader.)

November 1, 2011

Corrective Action:

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action: (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD)

OAHE Inc. will ensure all students in their program are on an active IEP and evaluation results are current.

Data To Be Submitted: (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD)

A copy of the admission procedures developed to address this issue will be submitted to the team leader.

A copy of the student list of 3 year reevaluation dates and IEP dates will be submitted to the team leader.

The comprehensive plan will be amended to address students not placed by a school district and the process that will be put in place to ensure every student in need of special education or special education and related services has received a multidisciplinary evaluation and has an individual education program formulated and approved by the placement committee. A copy of the amended comprehensive plan will be sent to the team leader and SEP for approval.

Timeline for Submission: 60 days from report date.
All non-compliance must be corrected within 1 year of this report date.
Date:
Status Report:

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

Applicable ARSD and/or Compliance Indicator #: 8, 12

ARSD 24:05:30:15. Surrogate parents. Each school district shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected if no parent, as defined in § 24:05:13:01, can be identified and the district, after reasonable effort, cannot locate a parent or if the child is a ward of the state or the child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007. A district's method for determining whether a child needs a surrogate parent must include the following:

(1) The identification of staff members at the district or building level responsible for referring students in need of a surrogate parent;

(2) The provision of in-service training on the criteria in this section for determining whether a child needs a surrogate parent; and

(3) The establishment of a referral system within the district for the appointment of a surrogate parent.

If a child is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, if the surrogate meets the requirements of this section.

The district superintendent or designee shall appoint surrogate parents.

The district shall ensure that a person selected as a surrogate has no personal or professional interest that conflicts with the interest of the child the surrogate represents and has knowledge and skills that ensure adequate representation of the child. The district is responsible for the training and certification of surrogate parents and shall maintain a list of persons who may serve as surrogate parents.

A person assigned as a surrogate may not be an employee of the department, district, or any other agency that is involved in the education or care of the child.

If a child is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents, without regard to the nonemployee provision above, until a surrogate parent can be appointed who meets all of the requirements of this section.

A person who otherwise qualifies to be a surrogate under the provisions of this section is not an employee of the agency solely because the person is paid by the agency to serve as a surrogate parent.

Corrective Action (Immediate Fix):

Prong 1: Correct each individual case of noncompliance (Briefly describe the issues found surrounding this ARSD)
A student was placed at Oahe Inc. by the Department of Corrections and did not have a surrogate parent assigned for this student. There was no one to represent the rights of this student.

File Number(s) (List all file numbers in which this issue was found)

#1

Required Action: (Describe the action steps the district must take to correct each file)

Oahe Inc. will assign a trained surrogate parent for this student to ensure the rights of this child are protected.

Data To Be Submitted: (Describe the specific data that must be submitted for each file) The students three year reevaluation and IEP will be submitted showing a surrogate parent was involved in the decisions of placement for this student.
Timeline for Completion: (Document the specific date by which the district must have all individual corrections made and documentation submitted to the team leader. November 2011

Corrective Action: <u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.
Required Action: (Describe specifically, who and what steps must be taken by the district to verify continued compliance with the ARSD) They will review their policy, procedure and practices regarding assignment of surrogate parents. They shall establish procedures for the assignment of a surrogate parent to ensure that the rights of a child are protected. The comprehensive plan will be amended to address students not placed by a school district and the process that will be put in place to ensure every student in need of special education or special education and related services has been assigned a surrogate parent. A list of qualified surrogate parents will be established.
Data To Be Submitted: (Describe specifically, what data and by whom must be submitted to verify continued compliance with the ARSD) A copy of the amended comprehensive plan will be sent to the team leader and SEP for approval. A list of surrogate parents will be sent for approval.
Timeline for Submission: November 29,2011
All non-compliance must be corrected within 1 year of this report date.
Date: Status Report: